

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**RESPONSES AND OBJECTIONS TO PLAINTIFFS’
“NOTICE TO TAKE VIDEO DEPOSITION OF BRIGITTE HELLHAMMER” AND
ACCOMPANYING REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendants Ethicon, Inc. (“Ethicon”) and Johnson & Johnson (“J&J”) (collectively, “Defendants”) hereby respond and object to Plaintiffs’ “Notice to Take Video Deposition of Brigitte Hellhammer” (the “Notice”). The Notice was filed and served on August 1, 2013, and the deposition of Ms. Hellhammer is noticed for September 11, 2013. The Notice is attached hereto as Exhibit 1.

The responses and objections contained herein are made without in any way waiving or intending to waive—but on the contrary reserving and intending to reserve—the right at any time to revise, supplement, correct, or add to these objections and responses. Defendants note that no documents have been withheld from production on the basis of the objections set forth in this Response unless expressly stated.

Defendants generally object to the specific requests to produce contained in the Notice. Plaintiffs have repeatedly requested materials that would impose a much greater burden on Defendants than is required by the agreed-upon Defendants’ Fact Sheet. Defendants have corresponded with Plaintiff’s counsel on this topic. Defendants object to the broad scope of the

requests to produce attached to this Notice. These broad requests go far beyond the case-specific depositions and related discovery authorized in Pre-Trial Order 33.

**SPECIFIC RESPONSES AND OBJECTIONS
TO NOTICE AND REQUESTS TO PRODUCE**

Document Request No. 1: A copy of the current resume and/or curriculum vitae for the deponent.

Responses and Objections to Document Request No. 1: Defendants object that there is no Rule of Civil Procedure that requires a witness to create a resume or curriculum vitae for production. In an effort to cooperate and facilitate this deposition, however, Defendants will provide Plaintiffs a copy of the deponent's current resume to the extent one exists.

Document Request No. 2: A copy of the personnel file and/or employment file for the deponent.

Responses and Objections to Document Request No. 2: Defendants note that deponent's personnel file cannot be produced without deponent's consent, pursuant to German law. Deponent has consented to the production of her personnel file, and Defendants will produce it prior to the deposition. The file will be redacted for confidential and personal information, including the compensation of the deponent, the disclosure of which would result in an unnecessary intrusion into the privacy of the deponent. *See, e.g., Robinson v. Quicken Loans, Inc.* No. 3:12-cv-00981, 2013 WL 500237 (S.D. W. Va. Feb. 11, 2013) (authorizing production of redacted personnel files).

Document Request No. 3: All documents relating to the TVT products that are in the deponent's personal possession, meaning documents stored or maintained in the deponent's dwelling, home, garage, or any other property owned, rented, leased, maintained or lived in by defendant as well as any documents or electronic media related to the TVT products which is stored or maintained on the defendant's personal property including but not limited to, personal computers, cell phones, flash drives, or any portable storage media device.

Responses and Objections to Document Request No. 3: Defendants object to this request as overly broad and as not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendants have a reasonable and good faith belief that responsive documents, if any, would have been identified in connection with the collection process and would have been or will be produced. To the extent that additional documents, if any, are identified during the process of preparing for scheduled depositions, Defendants will make a good faith effort to produce such responsive, non-privileged documents in advance of the deposition.

Document Request No. 4: All documents, notes, videos, or other information relating to TVT products that the deponent sponsored, supported, edited, posted, and/or linked websites, FaceBook pages, MySpace pages, Twitter pages, Wikipedia, or pages on any other websites.

Responses and Objections to Document Request No. 4: Defendants object to this request as overly broad and as not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, defendants have a reasonable and good faith belief that responsive documents, if any, would have been identified in connection with the collection

process and would have been or will be produced. To the extent that additional documents, if any, are identified during the process of preparing for scheduled depositions, Defendants will make a good faith effort to produce such responsive, non-privileged documents in advance of the deposition.

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ David B. Thomas

David B. Thomas (W. Va. Bar No. 3731)

Thomas Combs & Spann, PLLC

300 Summers Street, Suite 1380

P.O. Box 3824

Charleston, WV 25338-3824

(304) 414-1800

/s/ Christy D. Jones

Christy D. Jones

Butler, Snow, O'Mara, Stevens & Cannada, PLLC

1020 Highland Colony Parkway

Suite 1400 (39157)

P.O. Box 6010

Ridgeland, MS 39158-6010

(601) 985-4523

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CERTIFICATE OF SERVICE

I, David B. Thomas, certify that on August 12, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ David B. Thomas

David B. Thomas (W. Va. Bar No. 3731)
Thomas Combs & Spann, PLLC
300 Summers Street, Suite 1380
P.O. Box 3824
Charleston, WV 25338-3824
(304) 414-1800
dthomas@tcspllc.com